

FILED

FEB 17 2012

AO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 1UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DA DEPUTY

UNITED STATES OF AMERICA

v.

MOISES PACHECO (1)

AMENDED JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 10CR1585 JM

Todd W Burns, Federal Defenders, Inc.

Defendant's Attorney

REGISTRATION NO. 21042298

☒ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

☒ pleaded guilty to count(s) ONE OF THE INFORMATION.☐ was found guilty on count(s) _____

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18 USC 1349	Conspiracy to Commit Mail Fraud, Wire Fraud, and Bank Fraud	1

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____is ☐ are ☐ dismissed on the motion of the United States.☒ Assessment: \$ 100.00☒ Fine waived☐ Forfeiture pursuant to order filed _____, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

September 16, 2011

Date of Imposition of Sentence


JEFFREY T. MILLER

UNITED STATES DISTRICT JUDGE

10CR1585 JM

DEFENDANT: MOISES PACHECO (1)

CASE NUMBER: **10CR1585 JM****IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of FIFTY-ONE (51) MONTHS.

- ☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).
- ☒ The court makes the following recommendations to the Bureau of Prisons:
 Defendant be placed in a facility in the Central District of California.
 Defendant participate in 500 hour drug program.

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
☐ at _____ ☐ a.m. ☐ p.m. on _____ .
 as notified by the United States Marshal.

- ☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
☒ on 11/18/11 1:30 PM before Judge Jeffrey T. Miller, United States District Court, Courtroom 16.
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
 at _____ , with a certified copy of this judgment.

 UNITED STATES MARSHAL

By _____
 DEPUTY UNITED STATES MARSHAL

10CR1585 JM

DEFENDANT: MOISES PACHECO (1)
CASE NUMBER: 10CR1585 JM

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :
THREE (3) YEARS.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, pursuant to section 3 of the DNA Analysis Backing Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

10CR1585 JM

DEFENDANT: MOISES PACHECO (1)
CASE NUMBER: 10CR1585 JM**SPECIAL CONDITIONS OF SUPERVISION**

- ☒ Submit person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
- ☐ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer with 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion or voluntary departure.
- ☐ Not transport, harbor, or assist undocumented aliens.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☐ Not reenter the United States illegally.
- ☐ Not enter the Republic of Mexico without written permission of the Court or probation officer.
- ☒ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☒ Not engage in employment or profession involving fiduciary responsibilities, solicitation of funds from investors or financial institutions, or the handling of credit cards, checks, or the identifying information of others.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☐ Participate in a mental health treatment program as directed by the probation office.
- ☒ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☒ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☐ Resolve all outstanding warrants within _____ days.
- ☐ Complete _____ hours of community service in a program approved by the probation officer within _____
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of _____
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the Bureau of Prisons for a period of _____ commencing upon release from imprisonment.
- ☐ Remain in your place of residence for a period of _____, except while working at verifiable employment, attending religious services or undergoing medical treatment.
- ☐ Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
- ☐ Comply with the conditions of the Home Confinement Program for a period of _____ months and remain at your residence except for activities or employment as approved by the court or probation officer. Wear an electronic monitoring device and follow procedures specified by the probation officer. Pay the total cost of electronic monitoring services, or a portion if deemed appropriate by the probation officer.
- ☐ Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.

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Sheet 5 — Criminal Monetary Penalties

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DEFENDANT: MOISES PACHECO (1)
CASE NUMBER: 10CR1585 JM

RESTITUTION

The defendant shall pay restitution in the amount of \$8,346,572.17 unto the United States of America.

This sum shall be paid immediately.
 x as follows:

Through the Clerk, U.S. District Court, Southern District of California. Payment of restitution shall be forthwith. During the Defendant's incarceration, the Defendant shall pay restitution through the Inmate Responsibility Program at the rate of 50% of the Defendant's income, or \$25.00 per quarter, whichever is greater. The Defendant shall pay the restitution during his supervised release at the rate of \$250 per month. Restitution shall be joint and several with co-defendants/co-conspirators for the same losses. Restitution to be paid to the following victims in the amount specified, with distribution of restitution to the victims to be on a pro rata basis:

The Court has determined that the defendant does not have the ability to pay interest. It is ordered that:

 x The interest requirement is waived.

 The interest is modified as follows:

DEFENDANT: MOISES PACHECO (1)

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	Last Name	First Name	Business Name	Loss Amount
1	Acosta	Cesar and Sandra		\$71,610.00
2	Agsalon	Leonardo and Delma		\$77,395.73
3	Aguilar	Edward and Lorena		\$6,870.00
4	Aguilar	Roberto and Araceli		\$1,510.00
5	Aguilo	Alexander M.		\$129,904.00
6	Aguilo	Darwin		\$106,090.00
7	Aguilo	Julius		\$122,300.00
8	Aleman	Sergio and Silvia Cazarez		\$27,430.00
9	Allapitan	Matias and Emily G.		\$15,660.00
10	Alvarado	Alex		\$757.00
11	Anton	Salvador and Evelia		\$53,333.20
	Anton	Salvador and Evelia		\$74,166.77
12	Arevalo	Laura		\$19,230.00
13	Arnn	Douglas and Heidi		\$10,815.00
14	Arvizu	Jose Enrique and Anita		\$30,380.00
15	Arzabal	Ernest and Ana		\$44,550.00
16	Arzabal	Felipe		\$9,941.21
17	Babauta	Mary		\$3,736.47
18	Baldomero	Erizaldy and Jeannie		\$15,592.50
19	Blanco	Eduardo and Maria		\$71,500.00
20	Bonilla	Roberto		\$4,625.00
21	Bustamante-Martinez	Elizabeth		\$67,367.17
22	Cabrera	Pablo and Maria Elena		\$13,793.00
23	Cabrera	Pablo and Rosa		\$35,625.30
24	Caguioa	Ernesto and Gina		\$9,675.00
25	Calderon	Jesus R.		\$60,999.35
26	Calderon	Jesus V.		\$18,830.00
27	Camacho	Juan M.		\$39,801.00
28	Carmona	Luis		\$18,600.00
29	Carmona-Baez	Diana Karina		\$16,095.00
30	Casiano	Roy		\$13,050.00
31	Castro	Cristina		\$64,350.00
32	Castro	Ernest		\$57,126.00
33	Chavez	Julia		\$11,450.00
34	Chavez	Rito		\$20,650.00
35	Chavez	Waldo		\$5,209.00
36	Chiong	Mel Dagsaam and Petronila		\$33,790.00
37	Cordoba	Gabriela		\$28,910.00
38	Coronado	Jose M. and Maria		\$23,325.00
39	Cortez	James and Jaylene		\$76,939.79
40	Cowetta-Eagle	Lisa		\$16,513.00
41	DeCasas	Cesaria		\$7,675.00
42	Dechico	Milagros		\$16,135.00
43	Delarosa	Jimmy and Teresita A.		\$47,920.00
44	Delgado	Luis		\$64,100.00
45	Dircio	Jose and Elvira		\$55,590.00
46	Duran	Jimmy		\$11,550.00
47	Espinosa	Jesus and Cruz Veronica		\$95,745.00
48	Evans	Patrick C.		\$14,662.50
49	Fabia	Raymundo		\$2,769.00
50	Fernandez	Carlito and Milagros		\$42,735.00
51	Fernandez	Raymond and Natividad		\$6,220.00
	Fernandez	Raymond		\$85,750.00
	Fernandez	Raymond		\$152,587.23
52	Figuerroa	Jesus and Estela		\$13,572.00
	Figuerroa	Jesus and Estela		\$65,250.00
53	Fitch	Baltazar		\$162,700.00

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	Last Name	First Name	Business Name	Loan Amount
54	Francisco	Dennis		\$43,150.00
55	Fregoso	Arturo and Timotea		\$52,200.00
56	Fregoso	Julio		\$40,000.00
57	Freund	Daniel		\$3,525.00
58	Freund	John		\$89,375.00
59	Friesner	Bryan and Corina		\$87,000.00
60	Furseth	Alan V.		\$26,100.00
61	Garcia	Angela M.		\$9,030.00
62	Garcia	Carlos		\$40,000.00
63	Garcia	Mario		\$1,400.00
64	Garcia	Piedad		\$1,742.50
65	Garcia	Tony and Carmen		\$23,935.00
66	Garcia (Mercado)	Kristal		\$14,752.00
67	Gaytan	Daniel R. and Rosalina A.		\$26,578.00
68	Gaytan	Ismael P. and Betty		\$59,279.99
69	Gaytan	Ismael R. and Irma		\$14,420.00
70	Gil	Jorge	in care of Dalilah Dang	\$48,880.00
71	Gomez	Rene and Silvia		\$14,550.00
72	Gonzalez	Delia Jean		\$19,050.00
73	Gonzalez	Dennis		\$22,275.00
74	Gonzalez	Diana and Yadira (Irma)		\$45,140.00
75	Gonzalez	Manuel and Esther		\$9,012.50
76	Gonzalez	Martha		\$104,374.97
77	Gonzalez	Salvador		\$63,617.13
78	Gonzalez	Victor L. and Esther		\$55,200.00
79	Gonzalez-Mesa	Raul (Cecelia Gonzalez)		\$14,290.00
80	Griffen	Thelma		\$16,560.00
81	Gutierrez	Jose and Maria Sanchez	contact attorney Ashley Abano	\$188,850.00
82			Haley Family Trust 2-15-1999	\$46,675.00
83	Heidmiller	Patricia		\$57,500.00
	Heidmiller	Patricia		\$120,652.49
84	Hernandez	Elsa		\$17,664.50
85	Hernandez	Juan and Ernestina		\$1,305.00
86	Hernandez	Melissa and Cesar		\$15,714.00
87	Hernandez	Patricia and Roberto		\$64,350.00
88	Higgins	Alan		\$18,791.00
89	Huerta	Daniel		\$9,176.50
90	Huerta	Lilia		\$65,655.00
91	Jennings	Terrence and Maria		\$11,525.00
92	Kelly	Travis and Gabriela		\$17,875.00
93	Lavenant	German		\$22,060.00
94	Loaiza	Carlos and Christina		\$8,450.00
95	Loaiza	Rafael A. and Beverly L.		\$24,550.00
96	Lopez	Marcos		\$129,780.00
97	Lopez	Marcos and Ramona		\$33,120.00
98	Lopez	Richard and Cambrian A.		\$43,657.50
99	Lopez	Sonia, Javier and Gabriela		\$77,500.00
100	Maciel	Ramon and Veronica		\$72,100.00
101	Madarang	John		\$48,995.50
102	Manalili	Anthony		\$14,982.50
103	Manalili	Rosalynn		\$14,982.50
104	Marquez	Adelina		\$8,671.00
105	Marroquin	Manuel and Maria		\$27,075.00
106	Martinez	Orlando		\$89,375.00
107	Martinez (Espinoza)	Hector and Evelia		\$71,500.00
108	Mateo	Gloria		\$19,280.00
109	Mauricio	Dominador and Virginia		\$43,124.99

DEFENDANT: MOISES PACHECO (1)

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	Last Name	First Name	Business Name	Loss Amount
110	McDougal	Tim		\$40,000.00
111	McLaughlin	Maria Azucena		\$48,000.00
112	Meneses	Carlos Hector and Enriqueta		\$76,453.61
113	Molina	Jose and Liliana		\$43,150.00
114	Molina	Luz		\$36,250.00
115	Montemayor Covarrubias	Pablo		\$14,550.00
116	Mora	Estella		\$41,400.00
117	Moran	Sergio and Sonja Respes		\$4,175.00
118	Moreno	Maria Carmen		\$72,500.00
119	Munoz	Jose		\$49,010.42
120	Najjar	Peter and Linda		\$9,675.00
	Najjar	Peter and Linda		\$89,583.35
121	Nakata	Dean		\$9,645.00
122	Nebres	James		\$48,668.00
123	Nelson	Leonora		\$83,125.00
124	Nguyen	Tammy		\$160,000.00
125	Nunez	Miguel and Jennifer		\$5,612.50
126	Ortiz	Humberto		\$5,775.00
127	Pacheco	Robert and Hortencia		\$84,475.00
128	Padernal	Allegor N. and Agnes		\$13,362.50
129	Palisoc	Eleanor S.		\$16,762.50
130	Panlilio	Purificacion		\$117,450.00
	Panlilio	Purificacion		\$178,240.42
131	Peregrina	Fabian and Carmen		\$7,140.00
132	Peregrina	Fabian and Yvonne		\$44,730.00
133	Perez	Carmen L.		\$29,000.00
134	Perez	Gerardo		\$43,500.00
135	Preciado	Bersabee		\$15,300.00
136	Ramirez	Alejandro (Alex)		\$101,500.00
137	Ramirez	Elizabeth S.		\$890.00
138	Ramirez	Salvador and Evangelina		\$31,787.50
139	Ramirez	Sergio and Lyzett		\$43,667.50
140	Ramos	Alicia		\$7,975.00
141	Ramos	Ronald and Eunice		\$7,125.00
142	Ramos	Ronnie and Nilanie		\$21,575.00
143	Recio	Guadalupe B.		\$10,258.00
144	Recio	Liliana		\$16,841.97
145			Reyes Family Trust	\$3,870.00
146			Reyes Family Trust 2-13-2006	\$30,732.50
147	Rios	Lillian		\$21,630.00
148	Rivas	Virginia	contact attorney Ashley Abano	\$59,165.00
149	Rivera	Maria		\$48,235.00
150	Robertson	Alice		\$60,265.00
151	Rodriguez	Claudio		\$33,412.50
152	Rodriguez	Estela		\$107,012.50
153	Rodriguez	George and Susan		\$105,075.00
154	Rodriguez	Maria and Rodolfo		\$75,403.50
155	Rodriguez	Stephen		\$14,550.00
156	Rodriguez	Veronica		\$14,550.00
157	Ruelas	Raquel G.		\$10,210.00
158	Saenz	Alejandrina		\$14,795.00
159	Salcedo	Teresita D.		\$44,800.00
160	Salzedo	Antonio		\$180.00
161	Samaniego	Ofelia		\$129,281.14
162	Sandoval	Jorge		\$12,390.00
163	Santos	Araceli Mendoza		\$24,300.00
164	Sibaja	Jonathan and Maria		\$15,562.70

DEFENDANT: MOISES PACHECO (1)

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	Debtor Name	Creditor Name	Business Name	Lo.6 Amount
165	Silvia	Lidia E.		\$34,245.00
166	Soriano	Sidney		\$18,360.00
167			SRK Capital c/o Saleem Muneer	\$760.00
168	Torres	Israel		\$20,970.00
169	Truxal	Lydia		\$45,862.50
170	Velarde	Jose and Esther		\$71,727.50
	Velarde	Jose and Esther		\$30,613.00
171	Vera	Adela		\$19,377.50
172	Verdugo-Lizarde	Cecilia		\$81,666.70
173	Villa	Lidia		\$49,920.00
174	Villa	Samuel		\$16,143.00
175	Villalobos	Rigoberto		\$86,850.00
176	Warren	Kathleen		\$4,683.00
177	Watson	Sandra and Mike		\$61,150.00
178	White	Judson		\$39,072.50
179	White	Katy		\$59,270.00
180	White	Kristopher		\$6,341.00
181	White	Samantha		\$16,273.00
182			Yambao Family Trust 12-16-2005	\$10,265.00
183	Young	Joseph and Michele D.		\$44,550.00
184	Zertuche	Donna R.		\$52,740.00
				\$7,930,243.60
	LENDERS			
185			Bank of America	\$89,718.00
186			Citimortgage	\$198,712.00
187			Wells Fargo (formerly Wachovia/World Savings)	\$127,898.57
				\$416,328.57
				\$8,346,572.17